

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**FRIEDRICH LU,**  
Plaintiff,

v.

**JANE E. YOUNG, *et al.*,**  
Defendant.

:  
:  
:  
:  
:  
:  
:  
:

**CIVIL ACTION**

**NO. 23-1239**

**ORDER**

**AND NOW**, this 10<sup>th</sup> day of August, 2023, upon consideration of the Motions to Dismiss filed by Defendants, Comcast Cable Communications, LLC, Lynn R. Charytan, Alycia Horn, Tucker Law Group, LLC, Joe H. Tucker, Jr., and Leslie Miller Greenspan (collectively, the “Comcast Defendants”) (ECF No. 32), The United States and Defendants Mark L. Wolf, Senior U.S. District Judge in the District of Massachusetts; George V. Wylesol, Clerk of the U.S. District Court for the Eastern District of Pennsylvania; Catherine O’Hagan Wolfe, Clerk of the U.S. Court of Appeals for the Second Circuit; and Jane E. Young, United States Attorney for the District of New Hampshire (collectively, the “Federal Defendants”) (ECF No. 36), and Defendants Boston Public Health Commission (“BPHC”), Bisola Ojikutu, Timothy Harrington, Whitney C. Pasternack, and Batool Raza (collectively, the “BPHC Defendants”) (ECF No. 44), all papers submitted in support thereof and in opposition thereto, and for the reasons set forth in the accompanying Memorandum filed by this Court, it is hereby **ORDERED** Defendants’ Motions (ECF Nos. 32, 36, 44) are **GRANTED** as follows:

1. The Comcast Defendants are **DISMISSED WITH PREJUDICE, WITHOUT LEAVE TO AMEND**, pursuant to Federal Rule of Civil Procedure 12(b)(6) (Failure to State a Claim).
2. The United States and the Federal Defendants are **DISMISSED WITH PREJUDICE, WITHOUT LEAVE TO AMEND**, pursuant to Federal Rule of Civil Procedures 12(b)(1) (Lack of Subject-Matter Jurisdiction) and 12(b)(6)

(Failure to State a Claim). Because leave to amend the claims against the Federal Defendants in their individual capacities would be futile, Plaintiff is denied leave to amend his Complaint to plead further individual-capacity claims against the Federal Defendants.

3. The BPHC Defendants are **DISMISSED WITH PREJUDICE, WITHOUT LEAVE TO AMEND**, pursuant to Federal Rules of Civil Procedure 12(b)(2) (Lack of Personal Jurisdiction) and 12(b)(6) (Failure to State a Claim).

**IT IS FURTHER ORDERED** that the Remaining Defendants—Walter T. Mitchell and Jahad Hasan (Boston Police Department Detectives), Eric T. Donovan (Clerk Magistrate), Judge David T. Donnelly (Boston Municipal Court), Steven Tankle (Boston City Official), and Jeffrey A. Locke (Chief Justice of the Trial Court)—are **DISMISSED WITHOUT PREJUDICE** for lack of proper or timely service, pursuant to Federal Rule of Civil Procedure 4(m).

Additionally, the Clerk of Court is instructed to disregard Plaintiff's requests for entry of default against various Defendants. As outlined in the accompanying Memorandum filed by this Court, the Remaining Defendants were not properly served—thereby making Plaintiff's Request for Default against them (ECF Nos. 14, 15, 60) moot. Defendant Mark L. Wolf's response is captured in the Federal Defendants' Motion to Dismiss (ECF No. 36)—thereby making Plaintiff's Request for Default against him (ECF No. 48) moot. Finally, the BPHC Defendants' response is captured in the BPHC Defendants' Motion to Dismiss (ECF No. 44), which had been timely filed as Plaintiff's green slip receipt did not include the BPHC Defendants' signatures as required by the Pennsylvania Rules of Civil Procedure—thereby making Plaintiff's Request for Default against them (ECF No. 20) moot.

The Clerk of Court is **DIRECTED** to mark this matter **CLOSED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

/s/ John Milton Younge  
**JUDGE JOHN MILTON YOUNGE**